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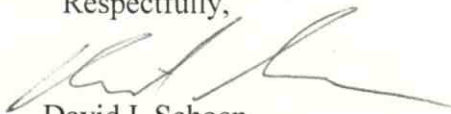
Honorable Carol B. Amon  
United States District Judge  
for the Eastern District of New York \* Via ECF \*  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201 Re: *Martino v. United States*; 07-CV-4159 (CBA)

Dear Judge Amon:

At the conclusion of yesterday's hearing in the above-referenced case, the Court indicated that it had refrained from addressing the matter of a Certificate of Appealability ("COA") until the matter which was the subject of yesterday's hearing had been resolved. Now that that matter has been resolved, the Court advised the parties that Your Honor intended to issue an Order denying a COA with respect to all issues Mr. Martino has raised. I asked the Court whether we would be permitted to file papers applying for a COA on the issues. Your Honor responded that the Court had proposed to proceed as indicated in order to expedite review by the Court of Appeals, a goal I had indicated in earlier filings that we have. However, if we preferred to file papers applying for the COA before Your Honor, the Court would consider that. I asked the Court to give me until today to provide our position on this question. [See also DE 68].

Upon further reflection, I am writing now to advise the Court that the route the Court had indicated it intended to take is what we would prefer. That is, in order to expedite this matter, we agree that the best course would be for Your Honor to enter an Order as soon as possible denying the COA, as Your Honor indicated, allowing us to then seek the COA on each issue directly from the Second Circuit. Nothing in this conclusion should be deemed to be an indication in any way by Mr. Martino that we believe a COA should be denied on the merits; indeed, just the opposite is true, as we will set out in Mr. Martino's COA application to the Second Circuit. But we appreciate Your Honor's consideration of the interests we have expressed in expediting this matter and the Court's willingness to act in a manner now to facilitate that interest.

Respectfully,



David I. Schoen  
Counsel for Richard Martino

CC: AUSA Jeffrey Goldberg (Via ECF)